

The Law Office of
Chris R. Miltenberger
A Professional Limited Liability Corporation

1340 N. White Chapel, Suite 100 (817) 416-5060
Southlake, Texas 76092 (817) 416-5062 fax
www.crmlawpractice.com chris@crmlawpractice.com

May 18, 2017

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: PETITION FOR DECLARATORY RULING OF ALL ABOUT THE
MESSAGE, LLC**

CG DOCKET No. 02-278

Dear Ms. Dortch:

I write in opposition to the petition filed by All About The Message, LLC (“**AALM**”) (the “**Petition**”) which seeks a declaratory ruling that “ringless voicemails” are exempt from the requirements of the Telephone Consumer Protection Act (“**TCPA**”) 47 U.S.C. § 227 et seq.

I represent Tom Mahoney in a lawsuit regarding the so-called “ringless voicemails.” The lawsuit is styled Tom Mahoney, individually and on behalf of a class v. TT of Pine Ridge, Inc., No. 9:17-cv-80029 in the United States District Court for the Southern District of Florida (“**Litigation**”) and appears to be the catalysts for the Petition filed by AALM.

I have worked with Randall Snyder to help prepare expert testimony for the Litigation. Mr Snyder filed a copy of his expert testimony with the Federal Communication Commission (“**Commission**”) and I join in and support his comments. Additionally, Mr Mahoney is filing comments with the Commission and I join in and support his comments as well.

I believe that the Commission should deny both the Petition and the request for a retroactive waiver. In order to continue enforcement of the TCPA it is

imperative that ringless voicemails are not given a stamp of approval by the Commission. If the Commission approves the Petition the abuse suffered by consumers will be unlimited. There will be nothing to prevent marketers from inundating the voicemail box of every cellular user.

The type of complaints that will be generated from consumers are illustrated by the documents attached as Exhibits 1 and 2. Exhibit 1 is a complaint left on the Naples Nissan's Facebook site regarding its robo-message campaign. Exhibit 2 is a message left on the website Dealer Review regarding the same robo-message campaign. These are two real-life examples of the invasion of privacy created by the ringless voicemail campaigns.

Thank you in advance for your consideration of my comments.

Sincerely,

Chris R. Miltenberger, Esq.

Exhibit 1

Naples Nissan | Facebook

<https://es-es.facebook.com> › ... › Naples › Concesionario de coches - Translate this page

Naples Nissan, Naples. 5534 Me gusta · 55 personas están hablando de esto · 842 personas han estado aquí. Only Naples Nissan gives you a Nationwide...

Scott Wolf - Why are you calling my minor daughter's cell... | Facebook

<https://www.facebook.com/naplesnissan/posts/624394487759337>

The TCPA forbids calling a cell phone with an automated... ... To see more from Naples Nissan on Facebook, log in or create an account. Sign UpLog In.

Naples Nissan | Facebook

<https://it-it.facebook.com> › Luoghi › Naples › Concessionario di automobili

Naples Nissan, Naples. Piace a 5534 persone · 55 persone ne parlano · 842 persone sono state qui. Only Naples Nissan gives you a Nationwide Lifetime...

Scott Wolf to Naples Nissan

December 22, 2016 · Fort Myers, FL ·

Why are you calling my minor daughter's cell phone and leaving recorded advertisement messages. The TCPA forbids calling a cell phone with an automated message. When I call you on the phone and complain just hung up on twice.

Exhibit 2

December 30, 2016

★☆☆☆☆
SALES VISIT - NEW

"They call random people unsolicited" - Christopher Spencer

I told you people the last time you called me unsolicited that I was not interested in your services, and that cold calling me is a sure fire way to ensure I don't do business with you when the time comes. Yet AGAIN I received a voicemail from your dealership/telemarketing firm today. I'm not sure who you think is being called by someone they don't know trying to get them to spend thousands of dollars out of the blue and enjoys it, but count me as one that doesn't.

[READ LESS](#)

CUSTOMER SERVICE	★☆☆☆☆
QUALITY OF WORK	★☆☆☆☆
FRIENDLINESS	★☆☆☆☆
PRICING	★☆☆☆☆
OVERALL EXPERIENCE	★☆☆☆☆
RECOMMEND DEALER	NO

EMPLOYEES WORKED WITH

Random Telemarketing/Unsolicited SPAM call

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